

SPECIAL TOWN BOARD MEETING
June 2, 2005 - 6:00 PM

The meeting was called to order by Supervisor Hundt at 6:05 p.m.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilman Devine	Present
Councilman Russell	Present
Councilwoman Doyle	Present
Councilman Carroll	Present
Supervisor Hundt	Present

RE-OPEN PUBLIC HEARING ON LOCAL LAW #2 OF 2005: OUTDOOR STORAGE AND JUNK
VEHICLES

Supervisor Hundt moved to re-open the public hearing on Local Law #2 of 2005 concerning outdoor storage and junk vehicles.

RE-OPEN PUBLIC HEARING ON LOCAL LAW #2 OF 2005

MOTION: S/Hundt

SECOND: C/Devine

ROLL CALL:	C/Carroll	- AYE	C/Devine	- AYE
	C/Doyle	- AYE	C/Russell	- AYE
	S/Hundt	- AYE		

MOTION CARRIED 5 to 0.

PUBLIC COMMENT

TOM WERNER

Tom Werner read a prepared statement about the necessity for this law and the fact that other communities have similar laws. He also suggested an arbitration panel be set up whose findings would be binding. The panel could include representatives from business, agriculture and residential interests.

Michael Hayes detailed some revisions he had made since the first public hearing on this law:

1. Section 82-5 changed to say that the Enforcement Officer may enter upon 48 hours prior written notice.
2. Clarification that section 82-5 applies only to open storage.

This Local Law cannot be voted on tonight but can be voted on at the next regular town board meeting.

SHARON KROEGER

Sharon Kroeger thanked the town board for rescheduling the public hearing, as requested. Her areas of concern were:

1. The proposed law lacks protection against search and seizure with no appeal notice.
2. The draft law is unduly restrictive for agricultural and farm life.
3. The draft is aggressively restrictive as regards life style. It would not allow a person to fix cars and pursue a hobby of auto repair. The Enforcement Officer gets to define ambiguous terms such as

"unrestrained accumulation". The proposed law is potentially discriminatory since wealthy persons can afford a large barn to keep their storage items indoors and out of sight. Poor persons do not have this option.

4. The draft legislation would interfere with business and commerce. Farmers have "use value" for tools. Should a part-time employee (the Enforcement Officer) be deciding if something is being used for its "intended purpose"? An example is an antique machinery repair person or a young person rebuilding a car. Under this legislation they would have to stop these activities. Another example is a repairperson in Verbank. His back yard is a mess but his front yard is neat. This man fixes equipment for the town and helps to keep the town budget low.

PAT NELLIGAN

Pat Nelligan discovered via an internet search that Dover Plains and Millbrook have similar laws but have not blended them together, as this draft legislation does. In Millbrook, Outdoor Storage comes under the littering law and Junk Vehicles come under the zoning administration. Pat Nelligan also noted that the enforcement and penalties were inconsistent. In Dover, there is a \$20 per day junk vehicle fine and a weekly fine for outdoor storage violations. He concluded by saying that it is a good idea to do this (local law #2), but it should be done right.

CLOSE PUBLIC HEARING

Supervisor Hundt asked if there were any other comments. Hearing none, she moved to close the public hearing.

CLOSE PUBLIC HEARING

MOTION: S/Hundt

SECOND: C/Russell

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 5 to 0.

CHANGES MADE TO THE LAW SINCE FIRST PUBLIC HEARING

Michael Hayes then pointed out some changes made to the draft law as a result of the first public hearing:

1. Page 6 - right of entry.
2. Page 8, 9 - permit fees reduced to \$25.
3. Page 9 - one temporary inactive vehicle allowed without a permit; second inactive vehicle needs a permit that is good for 12 months.
4. Some phrases (e.g. "working condition") moved to the definitions section.

Supervisor Hundt questioned if 48 hours was enough notice. The ensuing discussion included the following remarks:

- If a person is out-of-town, more time may be needed.
- Zoning officer would have to contact the person.
- The role of the Enforcement Officer is discretionary anyway.
- Since the zoning officer works only 2 days a week, it will take at least a week for anything to happen. (Nancy Brusie)
- If a violation is found, 10 days notice must be given (Michael Hayes).
- What if the owner is in Florida or a nursing home? (Sharon Kroeger)
- Enforcement Officer must be given some ability to enter property to look at things.

- Stuff does not have to be removed within 48 hours, but rather within 10 days after the violation notice is given. The Enforcement Officer can give another 30-day extension. (Councilman Devine)
- The power to employ an appeals panel is not within Town Regulations. The Justice Court is your appeals body. The judge can impose penalties and there is no minimum fine. The prior laws specified 24 hours and no notice whatsoever. (Michael Hayes)
- Enforcement has been neglected for years. (Councilwoman Doyle)
- We are just clarifying existing laws. The Master Plan brought this up many times. It is just a tool. (Councilman Devine)
- This law does not apply to agriculture. (Councilman Devine)
- Why is just farming exempted? (Pat Nelligan)
- NY State Ag and Markets law allows farming equipment an exemption. (Michael Hayes)
- What about large landowners who rent their fields to farmers?
- Both owner and farmer are responsible. The law tries to capture everyone who is responsible. (Michael Hayes)
- Is Miles a duly licensed junkyard? (Supervisor Hundt)
- I think Miles is grand fathered in; Andy Wheeler is licensed. (Councilwoman Doyle)
- Vehicle repair shops are state licensed, so that is a state issue. (Michael Hayes)
- What about architectural (salvage) junkyard? (Pat Nelligan)
- Law applies only to junk farm equipment that has been abandoned or discarded. If used for spare parts, it is not junk farm equipment. (Michael Hayes)
- The law permits one unregistered vehicle on the property without a permit, e.g. a truck used only as a snowplow. The \$25 fee is very reasonable. (Supervisor Hundt)
- If there is a violation and the time period has passed, an "appearance ticket" is issued returnable to town court. This is a factual allegation and the town has the burden of proof to establish the violation. The maximum fine is \$250 per day per violation. Civil penalty is \$100. (Michael Hayes)
- SEQRA: a local law like this must pass SEQRA. Might there be a significant environmental impact? SEQRA analysis requires 2 documents, an Environmental Assessment Form (EAF) and a "negative declaration" form, if there are no impacts found. Michael Hayes can prepare both of these forms. (Michael Hayes)
- Joel Russell or CPIC might want to look at this. (Councilwoman Doyle)
- This law could be modified as we go through the Master Plan and CPIC process. This resolves a current problem but could be changed if necessary. (Councilman Devine)

RECREATION MASTER PLAN PROPOSAL

Supervisor Hundt opened a discussion about the Recreation Master Plan proposal from John Ryan. She noted that Pete Clair and Ken Pomeisl should both be copied on the proposal. The proposal is to look at the recreation facilities we currently have and to do a community recreation needs survey. Councilman Russell mentioned that John Ryan had surveys from other towns that could be modified to meet Amenia's needs. The proposal also includes an inventory of all public and private recreation facilities, as well as a look at

projected population growth and future needs 10 to 15 years from now. This is necessary to justify an increase in subdivision fees.

Councilman Russell said that he would consult with the Rec Commission about the survey; Supervisor Hundt said that the board would discuss the contract at the next town board workshop.

GRANT WRITER

Supervisor Hundt reported that two candidates had been interviewed for the part-time grant writer position. Since the town board members had not responded to her request for additional names to interview, she assumed that the interview phase was completed. However, Councilmen Devine and Carroll expressed an interest in interviewing more applicants. As a result, four more names were chosen to be interviewed before the town board workshop. Councilwoman Doyle noted that she would like to hire someone with heavy grant administration experience in the municipal area. A \$171,000 grant was just awarded to the Accord Fire Department by the Homeland Security Act.

Supervisor Hundt listed many areas where grants are needed: landfill, recreation, town hall, sewer system, highway garage, transfer station, etc. Councilman Carroll noted that we are losing money at the transfer station. Councilman Devine cautioned that it is illegal to use taxpayer money to subsidize a service for other taxpayers. If we could turn the whole thing over to a private entity it would be ideal.

NYS AUDIT REPORT

Supervisor Hundt informed the board that she had asked Pat Manning to speed up the report on the audit that was completed last year.

GRANT FOR COURT COMPUTER PROGRAM

Supervisor Hundt explained the confusing situation concerning this grant. The check for the grant was received at the end of December 2004 and the money was deposited in 2004, as required by law. But since the 2005 budget was already completed, a line item could not be added to accommodate this in the 2005 budget. Now that the bill has arrived, money must be taken from Contingency to cover it. Also, the grant was for \$4,000 but the actual cost was \$4,460.88.

AUTHORIZE PAYMENT of \$4,460.88 FROM CONTINGENCY FUND (AOO-01-1900-400) FOR COURT COMPUTER SOFTWARE

MOTION: C/Carroll

SECOND: C/Russell

ROLL CALL: C/Carroll - AYE C/Devine - AYE
 C/Doyle - AYE C/Russell - AYE
 S/Hundt - AYE

MOTION CARRIED 5 to 0.

WASSAIC STREET LIGHTS

A letter has been sent to Metro North about the Wassaic street lights that will be located on Metro North Property. Metro North has indicated that there should be no problem. Next week, Pete Setaro will draw up the specifications. It should take 8 to 10 weeks to get the lights but it must be done by August 31 according to the grant guidelines. The backhoe work will be done by the Highway

Department. Councilman Carroll commented that the Wassaic people were very happy about these lights.

RECREATION BUDGET SUPPLIES

Councilwoman Doyle reported that Ken Pomeisl Recreation Director needs \$800 for ballfield supplies. Since the "supplies" line in the Recreation budget has that amount in it, there is no need for a resolution; he can just spend the money. For purchases under \$250, no quote is needed.

SHOPE SITE VISIT

Councilwoman Doyle requested that the town board set a date for a site visit to the property that Allan Shope has offered to donate to the town. This does not need to be an official town board meeting as long as it is informational only and no town business is conducted. Monday June 13 at 5:30 was suggested for the site visit to commence at the farm at 78 Sinpatch Road. A notice will be sent to the three official newspapers of the town as well as to the webmaster and channel 22.

Allan Shope pays the town \$16,500 every year under a verbal agreement. Supervisor Hundt suggested that we should have a written agreement about this.

DUCKS UNLIMITED

Councilwoman Doyle announced that the organization Ducks Unlimited was willing to inspect our ball fields for wetlands, at no cost to the town.

ADJOURNMENT

The motion to adjourn was voted for unanimously.

Meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Gail Hermosilla,
Amenia Town Clerk

Approved by Town Board: August 18, 2005.

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